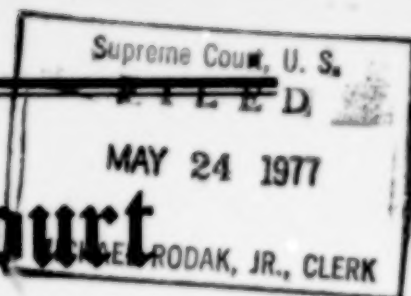


in the
Supreme Court
of the
United States

October Term, 1976



76-1647

CASE NO. _____

RICHARD ALAN KATZMAN,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

**ON APPEAL FROM THE SUPREME COURT
OF FLORIDA**

JURISDICTIONAL STATEMENT

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CASE NO. _____

RICHARD ALAN KATZMAN,

Appellant,

vs.

STATE OF FLORIDA,

Appellee.

**ON APPEAL FROM THE SUPREME COURT
OF FLORIDA**

JURISDICTIONAL STATEMENT

Appellant appeals from the judgment of the Supreme Court of Florida, entered on February 25, 1977, affirming the Appellant-Defendant's conviction, and submits this Statement to show that this appeal is within the jurisdiction of the Supreme Court of the United States, and that a substantial federal question is presented.

OPINION BELOW

The Opinion of the Supreme Court of Florida is reported at 343 So. 2d 38. A copy of the Opinion is attached to this Statement as Appendix A.

JURISDICTION

Appellant was convicted of a traffic infraction by the County Court in and for Dade County, Florida. Appellant was sentenced to pay a fine of thirty-five dollars (\$35.00), plus six dollars (\$6.00) court costs. The Appellant's objection to a fine exceeding twenty-five dollars (\$25.00) was overruled, and the challenged statutes held constitutional. Upon appeal to the Supreme Court of Florida, the conviction and sentence were affirmed. *Katzman v. State*, 343 So.2d 38 (Fla. 1977). The Court based its decision upon *Levitz v. State*, 339 So. 2d 655 (Fla. 1976). This appeal followed from the decision in favor of the validity of Sections 316.026, 318.14, and 318.18, Florida Statutes, where the Supreme Court of Florida denied Appellant's challenge to these statutes being repugnant to the United States Constitution. This Court has jurisdiction of this appeal. 28 U.S.C.1257 (2); cf. *Gardner v. Florida*, U.S. , 97 S.Ct. 1197, 1206 (1977).

QUESTIONS PRESENTED

The following questions are presented by this appeal:

A. Is the penalty procedure prescribed in Sections 316.026, 318.14, and 318.18, Florida Statutes, a violation of due process by penalizing the exercise of the constitutional right to a hearing, where an accused traffic law violator is subject to increased deprivation of property and restraint of liberty upon mere exercise of that constitutional right.

B. Does this penalty procedure deprive Appellant and all others who exercise their constitutional right to a hearing, of the equal protection of the laws?

STATUTES INVOLVED

Set forth in Appendix B are: Sections 316.026, 318.14, and 318.18, Florida Statutes.

STATEMENT

The Appellant was charged with unlawful speed under an incorrect statute, Section 316.101, Florida Statutes. The citation and judgment of conviction are set forth in Appendix C. Upon conviction, the County Court in and for Dade County, Florida sentenced Appellant to pay a fine of thirty-five dollars (\$35.00) and six dollars (\$6.00) court costs. Appellant objected to a fine exceeding twenty-five dollars (\$25.00), and moved to declare Sections 316.026, 318.14, and 318.18, Florida Statutes, unconstitutional on the ground that the statutes violated the United States Constitution. The County Court overruled the objection, denied the motion, and held the statutes constitutional.

Appellant appealed his conviction and sentence to the

Circuit Court of the Eleventh Judicial Circuit of Florida. That Court found that the County Court passed directly upon the constitutional validity of the state statutes. The Circuit Court transferred the appeal to the Supreme Court of Florida, pursuant to Article V, Section 3 (b) (1), Florida Constitution, and Fla. App. Rule 2.1.a. (5) (a).

In the Supreme Court of Florida, Appellant questioned the validity of Sections 316.026, 318.14 and 318.18, Florida Statutes, on the grounds they were repugnant to the Eighth Amendment, and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution. The decision of the Supreme Court of Florida was in favor of the statutes' validity.

THE QUESTIONS ARE SUBSTANTIAL

A primary principle of constitutional law mandates the state government may not take its citizens' property, nor restrain their liberty without according them the due process of law. The foundation of "due process" is the right to a full and fair hearing. *Sniadach v. Family Finance Corp.*, 395 U.S. 337 (1969); *Goldberg v. Kelly*, 397 U.S. 254 (1970).

The right to a hearing may not be impeded, curtailed, nor eliminated.

Sections 316.026, 318.14, and 318.18, Florida Statutes, provide that a person cited for a traffic infraction may waive the constitutional right to a hearing. Upon this waiver, and a plea of no contest or guilty, the penalty of a twenty-five dollar (\$25.00) fine is imposed. No other penalty may be exacted.

If a person cited for a traffic infraction exercises the constitutional right to a hearing, a penalty of a five hundred dollar (\$500.00) fine and/or mandatory attendance at

driver improvement school may be imposed. The statutes provide no standards upon which the trial court is to base its sentence. The right of appellate review is granted by the statutes; however, no standards are provided upon which the appellate court is to review the severity of the sentence imposed.

This procedure, which penalizes the exercise of the constitutional right to a hearing, violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Though perhaps administratively expedient, this degradation of the due process of law to a supermarket for the dispensation of justice is repugnant to the Constitution. The sale of guilty pleas at bargain prices is inconsistent with due process where the State has such a coercive and unfair hold over an accused who might otherwise seek the constitutional right to have the State put to its proof before taking an accused's property or restraining his liberty.

[Due process requires at a minimum that absent a countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard.]

Boddie v. Connecticut, 401 U.S. 371, 377 (1971).

To condition the opportunity to be heard on the risk of a fine twenty (20) times in excess of that imposed on waiver of this constitutional right, and upon risk of a restraint of liberty not imposed on waiver, is to render the opportunity meaningless.

This Court has previously passed upon a statute which penalized the assertion of a constitutional right. In *United States v. Jackson*, 390 U.S. 570 (1968), a provision of the Federal Kidnapping Act, which permitted imposition of the death penalty only by exercise of the right to a jury trial, was invalidated. This Court said:

"Under the Federal Kidnapping Act, therefore, the defendant who abandons the right to contest his guilt before a jury is assured that he cannot be executed; the defendant ingenuous enough to seek a jury acquittal stands forewarned that, if the jury finds him guilty and does not wish to spare his life, he will die . . . The inevitable effect of any such provision, is, of course, to discourage assertion of the Fifth Amendment right not to plead guilty and to deter exercise of the Sixth Amendment right to demand a jury trial. If the provision had no other purpose or effect than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it would be patently unconstitutional. But, as the government notes, limiting the death penalty to cases where the jury recommends its imposition, does have another objective: It avoids the more drastic alternative of mandatory capital punishment in every case . . .

The Government suggests that because the Act thus operates 'to mitigate the severity of punishment, it is irrelevant that it 'may have the incidental effect of inducing defendants not to contest in full measure.' We cannot agree.

Whatever might be said of Congress' objectives, they cannot be pursued by means that needlessly chill the exercise of basic constitutional rights. Cf. *United States v. Robel*, 389 U.S. 258, 88 S. Ct. 419, 19 L.Ed.2d 508; *Shelton v. Tucker*, 346 U.S. 479, 488-489, 81 S.Ct. 247, 252, 5 L.Ed. 2d 231. The question is not whether the chilling effect is 'incidental' rather than intentional; the question is whether that effect is unnecessary and therefore excessive. In this case the answer to that question is clear. The Congress can of course mitigate the severity of capital punishment. The goal of limiting the death penalty to cases in which a jury recommends it is an entirely legitimate one. But that goal can be achieved without penalizing those defendants who plead not guilty and demand jury trial . . . Whatever the power of Congress to impose penalty for violation of the Federal Kidnapping Act, Congress cannot impose such a penalty in a manner that needlessly penalizes the assertion of a constitutional right. See *Griffin v. State of California*, 380 U.S. 609, 85 S. Ct. 1229, 14 L.Ed. 2d 106.

It is no answer to urge, as does the Government that federal trial judges may be relied upon to reject coerced pleas of guilty and involuntary waivers of jury trial. For the evil in the federal statute is not that it necessarily coerces guilty pleas and jury waivers but simply that it needlessly encourages them. A procedure need not be inherently coercive in order that it be held to impose an impermissible burden upon the

assertion of a constitutional right. Thus, the fact that the Federal Kidnapping Act tends to discourage defendants from insisting upon their innocence and demanding trial by jury hardly implies that every defendant who enters a guilty plea to a charge under the Act does so involuntarily. The power to reject coerced guilty pleas and involuntary jury waivers might alleviate but it cannot totally eliminate, the constitutional infirmity in the capital punishment provision of the Federal kidnapping Act. . ."

United States v. Jackson, supra, at 581-583.

Here, as in *Jackson, supra*, an accused who waives the right to contest guilt in a fair and impartial hearing is assured of a penalty not exceeding a twenty-five dollar (\$25.00) fine. However, an accused who asserts innocence or for some other reason (such as inability to pay the twenty-five dollar (\$25.00) fine) exercises the constitutional right to a hearing, may be subjected to a five hundred dollar (\$500.00) fine and a restraint on liberty, mandatory attendance at driver improvement school. The inevitable effect of this statutory scheme is to discourage assertion of the Fourteenth Amendment right to a hearing. Whatever the benefits of this mail order system of justice, such permissible objectives as improvement of the administration of justice cannot be pursued by means that needlessly chill the exercise of the basic constitutional right to a hearing. The same goal can be achieved without penalizing defendants who plead not guilty or who otherwise need an opportunity to be heard. Where the exercise of this basic constitutional right is penalized, the State must use the least drastic alternative, as a mandate of due process. *Dale v. Hahn*, 311 F. Supp. 1293 (D.C. N.Y.

1970). Instead, the State of Florida has chosen a blunderbuss method for administering its traffic laws. See *Shapiro v. Thompson*, 394 U.S. 618,637 (1969).

"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution. *Frost and Frost Trucking Co. v. Railroad Commission of California*, 271 U.S. 583 (1926.) 'Constitutional rights would be of little value if they could be . . . indirectly denied,' *Smith v. Allright*, 321 U.S. 649, 664 (1944), or 'manipulated out of existence.' *Gomillion v. Lightfoot*, 364 U.S. 339, 345 (1960).

Harman v. Forssenious, 380 U.S. 528, 540 (1965).

An accused may not be coerced into waiving the constitutional right to a hearing. In *Garrity v. New Jersey*, 385 U.S. 493 (1967), this Court held that a confession exacted under a statute forcing a waiver of the constitutional right to remain silent or requiring forfeiture of a police officer's job, was coerced and therefore inadmissible in a state criminal prosecution. The Court said:

"We adhere to *Boyd v. United States*, 116 U.S. 616, 6 S.Ct. 524,29 L. Ed. 746, a civil forfeiture action against property. A statute offered the owner an election between producing a document or forfeiture of the goods at issue in the proceeding. This was held to be a form of compulsion in violation of both the Fifth Amendment and the Fourth Amendment. *Id.*, at 634-635, 6 S.Ct."

Garrity, supra, at 495,496.

The petitioners in *Garrity, supra*, had a choice of job forfeiture or self-incrimination. In this case, Appellant had a choice of pleading guilty and waiving his right to a hearing or risking a restraint of liberty and five hundred dollar (\$500.00) fine. This scheme, as the Court held the statutory scheme in *Garrity, supra*, is " 'likely to exert such pressure upon an individual as to disable him from making a free and rational choice.' " *Garrity, supra*, at 497, quoting *Miranda v. Arizona*, 384 U.S. 436, 464-465 (1966). The State of Florida thus coerces accused traffic law violators to plead guilty. The waiver of the constitutional right to a hearing is exacted under duress.

" 'Were it otherwise, as conduct under duress involves a choice, it always would be possible for a State to impose an unconstitutional burden by the threat of penalties worse than in case of a failure to accept it and then to declare the acceptance voluntary . . . ' [*Union Pac. R.R. Co. v. Public Service Comm.*], 248 U.S. [67] at 70, 39 S.Ct. [24] at 25 [(1918)] .

Where the choice is 'between the rock and the whirlpool,' duress is inherent in deciding to 'waive' one or the other. 'It always is for the interest of a party under duress to choose the lesser of two evils. But the fact that a choice was made according to interest does not exclude duress. It is the characteristic of duress properly so called.' *Ibid.*"

Garrity, supra, at 498.

As the court found in *Union Pac. R.R. Co. v. Public Service Comm., supra*, the State of Florida has imposed an unconstitutional burden on accused traffic law violators by

the threat of penalties far worse than in case of a failure to accept the discount guilty plea. Then, the State contends this statutory scheme provides merely voluntary guilty pleas and voluntary waivers of constitutional rights. The right to a hearing in this case, is a right " . . . of constitutional stature whose exercise a state may not condition by the exaction of a price." *Garrity, supra*, at 500.

"No matter how heinous the offense charged, how overwhelming the proof of guilt may appear, or how hopeless the defense, a defendant's right to continue with his trial may not be violated. His constitutional right to require the Government to proceed to a conclusion of the trial and to establish guilt by independent evidence should not be exercised under the shadow of a penalty-that if he persists in the assertion of his right and is found guilty, he faces, in view of the trial court's announced intention, a maximum sentence, and if he pleads guilty, there is the prospect of a substantially reduced term. To impose upon a defendant such alternatives amounts to coercion as a matter of law."

United States v. Tateo, 214 F. Supp. 560 (D.C.N.Y. 1963).

The principle announced in *Tateo, supra*, applies to these quasi-criminal proceedings. The right to a fair hearing

" . . . is one of the 'rudiments of fair play' (citation omitted) assured to every litigant by the Fourteenth Amendment as a minimal requirement (citation omitted). There can be no compromise on the footing of convenience or expedience or because of a natural desire to be rid of harrassing delay when that minimal requirement has been neglected or ignored."

Ohio Bell Telephone Co. v. Public Utilities Comm., 301 U.S. 292, 304, 305 (1937) (Cardozo, J., holding unburdened right to a fair hearing is required in administrative proceedings.)

In *Dunn v. Blumstein*, 405 U.S. 330 (1972), this Court held twelve (12) month residency within the State and three (3) month residency within the county requirements to register to vote, unreasonably burdened the constitutional right to travel. Much more directly does the risk of a restraint on liberty and a twenty-fold increase in fine dampen and unreasonably burden the constitutional right to a hearing, under the statutory scheme here in issue.

This Court has consistently rejected attempts to penalize or burden the exercise of a constitutional right. So much more repulsive to the constitutional mandate of due process is the scheme in use by Florida, where access to the courtroom with the opportunity for a fair hearing is conditioned upon the wealth of the accused. The State may not force the accused to run the gauntlet of risk of a five hundred dollar (\$500.00) fine and/or restraint of liberty by mandatory attendance at driver improvement school in order for the accused to receive the due process of law before the State takes property and liberty.

Sections 316.026, 318.14, and 318.18, Florida Statutes, establish two classes of person charged with traffic infractions. Those who waive their right to a hearing are treated differently than those who assert their right to a hearing. This situation is closely analogous to the statutes struck down by this Court in *Shapiro v. Thompson*, 394 U.S. 618 (1969).

There is no question that the effect of these statutes is to create two classes of accused traffic law violators

indistinguishable from each other except that one class is composed of those who waive their right to a hearing, and the second is composed of accused violators who exercise their constitutional right to a hearing. On the basis of this sole difference of asserting a constitutional right, the first class is given a maximum sentence of a twenty-five dollar (\$25.00) fine, while the second class is subjected to fines up to five hundred dollars (\$500.00) and mandatory attendance at driver improvement school. See *Shapiro, supra*, at 627. No standards govern imposition of the increased punishment. A member of the first class could be cited for a traffic infraction twenty times on twenty consecutive days. As a member of the class waiving their constitutional right to a hearing, that accused violator could be subject to a fine not exceeding twenty-five dollars (\$25.00) on each of the twenty violations. On the other hand, a member of the second class who is cited for one infraction and who has never previously been convicted of violating any traffic law, may be sentenced to pay a fine of, for example, one hundred dollars (\$100.00), and mandatory attendance at driver improvement school. The harsher punishment is inflicted solely on the basis of exercise of the constitutional right to a hearing by the member of the second class.

This statutory scheme creates a classification which constitutes an invidious discrimination denying accused traffic law violators the equal protection of the laws. See *Shapiro, supra*, at 627.

Just as the residency requirement unreasonably burdened free exercise of the right to travel, in *Shapiro, supra*; so, too, does the penalty inflicted by Florida on those accused traffic law violators unreasonably burden free exercise of the constitutional right to a hearing.

Moreover, the State's interests in establishing this penalty procedure are either impermissible or do not constitute compelling governmental interests.

Reduction of court calendars and promotion of guilty pleas in those cases without defense may be valid State interests. These interests may not, however, be promoted by a blunderbuss method that is blind to those seeking to assert a constitutional right. Just as inhibiting migration was found to be an impermissible State objective in *Shapiro, supra*, promotion of guilty pleas and waivers of the right to a hearing with concurrent deterrence of exercise of constitutional rights is an impermissible State objective, particularly where, as here, less drastic alternatives are available.

"If a law has 'no other purpose . . . than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it [is] patently unconstitutional.' *United States v. Jackson* 390 U.S. 570, 581, 88 S.Ct. 1209, 1216, 20 L.Ed 2d 138 (1968)."
Shapiro, supra, at 631.

The three statutes in this case have not been tailored to meet the permissible state objectives involved. In fact, as the previously-given example illustrates, those most deserving of punishment can easily avoid penalties designed to deter violations of traffic laws and improve poor drivers, by merely waiving their constitutional right to a hearing.

In actual operation, therefore, these three statutes enact what, in effect, are nonrebuttable presumptions that accused traffic law violators who waive their constitutional right to a hearing, are less deserving of punishment than those who assert that constitutional right. See *Shapiro, supra*, at 631, 632. There is no rational relationship between

the State's objectives in improving judicial administration and penalizing those who assert their constitutional rights. See *Lindsley v. Natural Carbonic Gas Co.*, 220 U.S. 61, 78 (1911); *Flemming v. Nestor*, 363 U.S. 603, 611 (1960); *McGowan v. Maryland*, 366 U.S. 420, 426 (1961).

The Appellant was exercising his constitutional rights to a hearing and access to courts, *Boddie v. Connecticut*, 401 U.S. 371 (1971),

" . . . and any classification which serves to penalize the exercise of that right unless shown to be necessary to promote a compelling governmental interest, is unconstitutional. *Skinner v. Oklahoma*, 316 U.S. 535, 541, 62 S.Ct. 1110, 1113, 86 L.Ed. 1655 (1942); *Korematsu v. United States*, 323 U.S. 214, 216, 65 S.Ct. 193, 194, 98 L.Ed. 194 (1944); *Bates v. Little Rock*, 361 U.S. 516, 524, 80 S.Ct. 412, 417, 4 L.Ed. 2d 480 (1960); *Sherbert v. Verner*, 374 U.S. 398, 406, 83 S.Ct. 1790, 1795, 10 L.Ed. 2d 965 (1963)."
Shapiro, supra, at 634.

Thus, these statutes create a classification in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

There is no rational basis for Florida's traffic violation statutes. Even less are these laws tailored to necessitate the achievement of compelling governmental interests. Less drastic alternatives are available as opposed to this method of guaranteeing avoidance of harsh penalties to those who waive their constitutional rights, but subjecting those who assert their constitutional right, to harsh penalties without standards for imposition. This classification violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution. *Shapiro, supra*, at 644 (Stewart, J. concurring.)

The lack of standards for imposing increased fines and restraint of liberty violates the Eighth and Fourteenth Amendments to the United States Constitution. To permit any increase in penalty solely because the accused asserted a constitutional right violates the guarantees of due process and equal protection of the laws. See *Sawyer v. Sigler*, 320 F. Supp. 690 (D. C. Neb. 1970); *Berger v. City and County of Denver*, 350 P. 2d 192 (Col. 1960); *North Carolina v. Pearce*, 395 U.S. 711 (1969).

Respectfully submitted,

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16666 N.E. 19th Avenue
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PROOF OF SERVICE

I, RICHARD YALE FEDER, one of the attorneys for appellant and a member of the Bar of the Supreme Court of the United States, hereby certify that on the _____ day of May, 1977, I served a copy of the foregoing Jurisdictional Statement on:

ROBERT L. SHEVIN, Attorney General
THOMAS A. BEENCK, Assistant Attorney General
Office of the Attorney General
The Capitol
Tallahassee, Florida,

by mailing a true and correct copy, in a duly addressed envelope, with postage prepaid, to these named attorneys of record for appellee.

RICHARD YALE FEDER, Esquire
19 West Flagler Street
Miami, Florida 33130

App. 1
Appendix A

Richard Alan KATZMAN, Appellant,

v.

STATE of Florida, Appellee.

No. 49599

Supreme Court of Florida

February 25, 1977

Appeal from County Court, Dade County, James
Rainwater, Judge.

Maurice Rosen, North Miami Beach, for appellant.

Robert L. Shevin, Atty. Gen., and Thomas A. Beenck, Asst.
Atty. Gen., for appellee.

BY THE COURT.

Affirmed. *Levitz v. State*, 339 So.2d. 655 (Fla. 1976).

**OVERTON, C. J., and ADKINS, BOYD, ENGLAND,
HATCHETT and KARL, JJ., concur.**

SUNDBERG, J., dissents.

App. 2
Appendix B

**316.026
PENALTIES**

(1) A violation of any of the provisions of this chapter, except criminal offenses enumerated in subsection (4), shall be deemed an infraction, as defined in §318.13(3).

(2) Infractions of this chapter which do not result in a hearing shall be subject to the civil penalties provided in §318.18.

(3) Infractions of this chapter which do result in a hearing shall be subject to a civil penalty not to exceed five hundred dollars. For an infraction resulting in a hearing, a person may be required to attend a driver improvement school in lieu of, or in addition to, the civil penalty imposed.

(4) Any person convicted of a violation of §316.019, §316.027, §316.028, §316.029, §316.061, (or) §316.067 shall be punished as specifically provided in such sections.

**318.14 NONCRIMINAL TRAFFIC INFRACTIONS;
EXCEPTION; PROCEDURES**

(1) Except as provided in §318.17, any person cited for a violation of chapter 316, chapter 325, part II, or §339.30 §340.23 or §239.55 shall be deemed to be charged with a noncriminal infraction and shall be cited for such an infraction and cited to appear before an official.

(2) Any person cited for an infraction under this section may:

(a) Post a bond, which shall be equal in amount to the applicable civil penalty established in § 318.18; or

(b) Sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty established in §318.18.

App. 3

(3) Any person who willfully refuses to post a bond or accept and sign a summons shall be guilty of a misdemeanor of the second degree.

(4) Any person charged with noncriminal infraction under this section may:

(a) Pay the civil penalty, either by mail or in person, within 10 days of the date of receiving the citation; or,

(b) If he has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings.

(5) Any person electing to appear before the designated official or who is required so to appear shall be deemed to have waived his right to the civil penalty provisions of §318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil penalty not to exceed \$500 or require attendance at a driver improvement school, or both.

(6) The commission of a charged infraction at a hearing under the chapter must be proved beyond a reasonable doubt.

(7) The official having jurisdiction over the infraction shall certify to the department within 10 days after payment of the civil penalty or forfeiture of bond that the defendant has admitted to the infraction. If the charge results in a hearing, the official having jurisdiction shall certify to the department the final disposition within 10 days of the hearing.

App. 4

(8) When a report of a determination or admission of an infraction is received by the department, it shall proceed to enter the proper number of points on the licensee's driving record in accordance with §322.27.

318.18 AMOUNT OF CIVIL PENALTIES

The penalties required for a noncriminal disposition pursuant to §318.14 (1), (2), and (4) shall be as follows:

(1) Five dollars for all infractions of bicycle regulations under §316.11 and infractions of pedestrian regulations under §316.057.

(2) Fifteen dollars for all nonmoving traffic violations.

(3) Twenty-five dollars for all moving violations not requiring a mandatory appearance.

(4) The penalty imposed under §316.200 shall be determined by the officer in accordance with the provisions of §316.199 and §316.200.

App. 5
Appendix C.

FLORIDA UNIFORM TRAFFIC CITATION 413-482L

DATE - 09-14-75 335C

COMPLAINANT - Richard Alan Katzman

810 NW 178 W Miami, Fla 33135

09-03-53 W 4159

K3257115 332-3494

75/76 Fla 174815

SW 88st. 9100

50 102

316.01

PAID 8413

266

Richard Katzman

App. 6

ASE No. TRIAL DOCKET No. PAGE No.

Date COURT ACTION AND OTHER ORDERS

BOND ESTREATED Judge

Continuance to Reason

Continuance to Reason

Warrant issued

Warrant served

Adjudication withheld

ARRANGEMENT, JUDGMENT, SENTENCE, AND ORDER

Said Defendant arraigned for trial/hearing on this MAR 23, 1976 D 19 and entered a plea of NOT GUILTY to the charge as set forth herein.

After hearing the evidence and due consideration of the same, the Court/Jury finds you, the Defendant, guilty of said charge AND IT IS ORDERED AND ADJUDGED that you, the Defendant, are guilty as charged, of said offense as set forth herein. IT IS BEFORE the Judgment, Order, and Sentence of the Court that you, the Defendant, be imprisoned in the County Jail for a term of 35 days and pay a fine of \$44.00. In default of payment, that you, the Defendant, stand committed to the County Jail at a term of 35 days.

DONE, ORDERED, AND ADJUDGED in open Court MAR 23, 1976 GUILLERMO RIGGS Florida, this day of A.D. 19

Judge

Traffic School

Probation

Defendant Notified of His Rights

Driver's License

Length of Suspension

Length of Restoration

or, check one Maximum Minimum

Testimony - Judges Notes (or other Court Orders)

NO ACTION 1-20-76 Judge fault ill

Appeal Bond of \$ Filed for

Appealed to Cor

STAY - 4-23-76

BEST COPY AVAILABLE